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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (S) No. 3860 of 2005

Petitioner		Brijmohan Sahu, aged 41 years, S/o Late Balakram Sahu, Assistant Teacher, Primary School, Bharda, Block - Khandganva District – Koria (Chhattisgarh).
	Versus	
Respondents	1.	State of Chhattisgarh, Through Secretary, School Education Department, D.K.S. Bhawan, Raipur (Chhattisgarh).
	2.	District Education Officer, District – Koria (Chhattisgarh).

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Y. C. Sharma, Advocate for the petitioner.
Miss Sunita Jain, Panel lawyer for the respondents/State.

ORDER

(Passed on this 13th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Teacher at Primary School, Targanva, Block - Baikunthpur, District- Koria was transferred to Primary School, Bharda, Block - Khadganva, on the same terms and conditions, vide order dated 29.6.2000 (Annexure A/1).
2. The petitioner has filed this petition with the prayer to direct the respondents to post the petitioner in Girls Primary School, Targanva or in Bharda Pariyojna region.
3. No interim relief was granted to the petitioner.
4. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order.
5. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere

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4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, this petition stands disposed of. No order as to costs.

Thakur

Sd/-
Satish K. Agnihotri
Judge